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DPHSS Guidance Memo 2021-07 (REV1)

Re: Minimum Requirements for the Operation of Restaurants, Bars, Taverns, and other Eating and Drinking Establishments

The purpose of this document is to require Eating and Drinking Establishments (EDE), as defined in Title 10 GCA, Chapter 23, to implement mitigation measures to reduce the risk of transmitting the virus that causes COVID-19 from person-to-person spread and touching contact surfaces. These minimum requirements are intended to support a safe and sanitary environment for workers and customers and supplement by the Guam Food Code, which is the regulations that governs the operation of restaurants, bars, taverns, and other Eating and Drinking Establishment on island.

This memorandum supersedes DPHSS Guidance Memoranda 2020-12, 2020-15, 2020-23, and 2020-31 in whole or in part, which contradict or conflict with Executive Orders 2020-27 through 2020-41 and 2020-43 through 2020-46, 2021-01, and 2021-03 through 2021-04, and this document.

A. Messaging and Information

1. An EDE must:

- a. Post signs in highly visible locations (e.g., at entrances, in restrooms) that promote everyday protective measures for employees, vendors, and customers and describe how to stop the spread of germs such as by properly wearing a mask and washing hands.
- b. Post signs requiring the proper wearing of face mask by employees, vendors, and customers when entering and re-entering the establishment at the entrance.
- c. Require customers and vendors to sign-in a visitor log sheet prior to entry, which documents the presence of non-employees on site, which shall include the following information:
 - i. Date and time of the visit;
 - ii. Name of individual(s);
 - iii. Total number of people in the party;
 - iv. Phone number and/or email address; and
 - v. Assigned EDE's server and table, if applicable.
- d. Retain the visitor log sheet for a period of 30 days from the date of service.

- e. Post signs requiring employees, vendors, and customers to properly wash their hands at the entrance and the inside of all restrooms; signs must be readily visible and legible.
- f. Post at least one poster that promotes behaviors that prevent the spread of COVID-19 in the establishment, which is communicated through images and pictures for employees, vendors, and customers to observe. Free posters and graphic layouts of posters are available in the following websites - Department of Public Health & Social Services (www.dphss.guam.gov) and the U.S. Centers for Disease Control & Prevention (www.cdc.gov).

B. Mask

- 1. An EDE must require:
 - a. The wearing of face mask by all employees, vendors, and customers in the establishment and on the premises of the establishment.
 - b. Customers to wear masks when not actively eating or drinking.
- 2. An EDE should encourage:
 - a. Employees and vendors to avoid touching their masks once they are on their faces.
 - b. Employees and vendors to wash their hands with soap and water for at least 20 seconds, or use hand sanitizer that contains at least 60% alcohol, after touching masks on their faces.

C. Physical Distancing

- 1. An EDE must:
 - a. Limit the number of customers in the establishment based on current authorized occupancy rate with no more than the number of persons per table per party as stated in the most recent DPHSS Guidance Memorandum or Executive Order on gathering requirements.
 - b. Provide physical guides, such as tape on floors or sidewalks and signage, to ensure that individuals remain at least 6 feet apart.
 - c. Mark distances of 6 feet for customers waiting for ID check. Consider a “hands-free” ID check system.
 - d. Maintain 6 feet distance.
 - i. If tables cannot be moved, consider putting signage on every other table or booth marked “DO NOT SIT”, “PHYSICAL DISTANCE TABLE”, or “RESERVED FOR YOUR SAFETY”.
 - ii. When it is difficult to maintain a 6 feet distance between booths, install a physical barrier (i.e.; Plexiglas partitions) with a top horizontal edge height no less than 6 feet, placed between booths.
 - e. Remove barstools at the bar or other locations where drinks are made and served unless the bar can maintain 6 feet between the bartender(s) and customers while ordering.
 - f. If it is a bar or tavern, establish a dedicated ordering area where customers can maintain a distance of 6 feet, or implement practice where orders are accepted by servers while customers remain seated.

- g. Prohibit customers from walking up to the bar, counter, and cashier after ordering, except for take-out orders and cafeteria-style dining (food served by employees at the counter), which must have appropriate physical barriers between food employees and customers.
 - h. Require customers to remain seated at all times in their assigned chairs or remain in their standing area, except for use of restrooms for both indoor and outdoor service. Movement of customers between assigned tables, booths, or standing areas is strictly prohibited if not from the same party.
 - i. Require customers to wear face masks when speaking with employees.
 - j. If the EDE is a hotel, the ballrooms are allowed to operate under the following conditions:
 - i. Must adhere to requirements as stated in the most recent DPHSS Guidance Memoranda for dining services and in-person indoor dining.
 - ii. Used to host meetings, trainings, testing certifications and credentialing, and other professional development gatherings, excluding a public or private reservation to celebrate functions (i.e., anniversaries, birthdays, weddings, graduations), provided, the number of occupants does not exceed 50% of the occupant load, 6 feet social distancing is maintained, and there is no serving of any food.
 - iii. The use of each ballroom shall be restricted to a single public or private reservation to celebrate functions (i.e., anniversaries, birthdays, weddings, graduations) where the total number of guests are limited to no more than twenty-five (25) individuals.
 - k. Require ample distancing (minimum of 6 feet) and installation of a physical barrier (i.e., Plexiglass) with a top horizontal edge height of at least 6 feet above the stage floor between musicians and customers when live music is provided.
 - l. Ensure that the following preventative measures are taken for karaoke singing:
 - i. Disposable microphone covers are used to completely cover the microphone between each use;
 - ii. The disposable microphone covers are properly disposed of in a waste receptacle that is within reach by customers;
 - iii. The microphone be properly cleaned and disinfected between each use;
 - iv. Only one singer is allowed to sing at a time;
 - v. That face masks are worn at all times while singing; and
 - vi. That no more than 6 people are permitted per party per private room.
 - m. Prohibit the use of dance floors.
2. If the EDE is a bar or a tavern that have limited tables and chairs:
- a. Customers of each party are authorized to stand in a designated area, limited to no more than 6 persons per party for indoor, no more than 15 persons per party for outdoor; and
 - b. Separated 6 feet apart from other parties.
3. An EDE is encouraged to:
- a. Increase staffing number to help remind customers of physical distancing.
 - b. Actively monitor and inform customers of the health and safety guidelines.
 - c. Promote outdoor seating as much as possible, if available.
 - d. Refuse service to any customer who does not follow these guidelines.

4. An EDE is not authorized to permit any on-site operations involving reservations to celebrate public or private functions (i.e., anniversaries, birthdays, weddings, graduations) at EDEs and other public venues where the total number of guests exceed twenty-five (25) individuals.
5. Salad bars, buffets, and self-service operation of any kind are prohibited; outdoor dining is encouraged and recommended.

D. Employee Health and Hygiene

1. An EDE must:
 - a. Provide hand-sanitizers or stations at the entrance and throughout the establishment.
 - b. Require every employee to properly wash hands before, during, and after work.
 - i. Employees must properly wash their hands after touching garbage, using the bathroom, taking breaks, or after coughing or sneezing.
 - ii. Employees must wash their hands with soap and water for at least 20 seconds before putting on, and after removing gloves.
 - iii. Employees should use hand sanitizer with 60% alcohol after handling payments.
 - iv. Employees should avoid touching their eyes, nose, and mouth with gloved or unwashed hands.
 - v. Employees must cover coughs and sneezes with a tissue or other means.
 - c. Ensure the availability of adequate cleaning supplies (e.g., paper towels, tissues, disinfectant wipes, masks).
 - d. Consider making available no-touch/foot pedal trash cans, and touchless systems, if available and feasible.
 - e. Consider placing signage on tables to show that they have been disinfected after previous customers.
 - f. Provide hand sanitizer that contains at least 60% alcohol to employees and customers, if handwashing is not readily available, unless proper handwashing is required by the Guam Food Code.

E. Cleaning and Disinfection

1. An EDE must:
 - a. Conduct detail-cleaning and disinfection of the entire establishment daily prior to the opening of the establishment to the public.
 - b. Clean and disinfect highly touched surfaces (e.g., door handles, cash registers, workstations, sink handles, bathroom stalls) between each use.
 - c. Clean and disinfect shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders, pens) between each use.
 - d. Clean and disinfect table condiment containers, tables, chairs, and other commonly touched areas between seating.
 - e. Avoid all food-contact surfaces when using disinfectants. These surfaces must follow wash, rinse, and sanitizing procedures outlined in the Guam Food Code.
 - f. Eliminate table presets, such self-service items (e.g., napkins, utensils, glassware, condiment containers).

- g. Disinfect game machines, pool tables, dart boards, supplies associated with the game, and other areas that have high-touch surfaces after each use. In addition:
 - i. Access to the amusement device/materials is to be controlled by the establishment.
 - ii. Use of game machine and equipment must be by reservation.
 - iii. No more than 6 persons are allowed to participate in any game.
 - iv. A written record of the use of game machine and equipment must be maintained, which provides the following information that must be readily available to DPHSS, when requested, and retained for 30 days:
 - a. Date and time of the game;
 - b. Name of the player(s);
 - c. Type of game machine or equipment used; and
 - d. Phone and/or email of all participants.
- h. Regularly disinfect liquor bottles, pour stations, taps, ice scoops, and other touched surfaces, and use disposable, single cups, if feasible.
- i. Develop a schedule for increased routine cleaning and disinfection.
- j. Use cleaning and disinfection products that meet EPA disinfection criteria and that are appropriate for the surface. Allow the disinfectant to remain on the surface for the contact time recommended by the manufacturer and follow the directions on the label or safety data sheet.
 - i. When cleaning and disinfecting, employees are to wear appropriate personal protective equipment.
 - ii. Establish a disinfection routine and train staff on proper cleaning timing and procedures to ensure safe and correct application of disinfectants.
 - iii. Wash, rinse, and sanitize used or dirty food contact surfaces with an EPA-approved food contact surface sanitizer.
 - iv. Ensure that cleaning or disinfecting product residues are not left on table surfaces, which can cause allergic reactions or ingestion of chemicals.
- k. Ensure safe use and storage of disinfectants to avoid food contamination and harm to employees and other individuals.
- l. Use menus that are non-porous and must be disinfected between use, unless electronic menus or other means are used, such as menu board or QR code to access online menu. When paper menus are used, it is for single use only and discarded after use.
- m. Relocate or cover any exposed clean silverware, dishes, glasses, pots, and pans. Use disposable, single use items, if feasible.
- n. Launder all work clothing, aprons, towels, and cloth table covers.
- o. Provide and maintain an adequate supply of cleaning and disinfection products for both employees and patrons for use.
- p. Consider using touchless payment options, if possible, but if accepting cash or credit card, employees must wash their hands with soap and water for at least 20 seconds or use hand sanitizer that contains at least 60% alcohol after each transaction.
- q. Consider covering chairs with a non-porous material for easy cleaning.
- r. Consider placing hand sanitizer on each table and place a sign on tables encouraging all customers to wash their hands or apply hand sanitizer.
- s. Consider placing lost and found items in a clear, sealed bag.

2. Establishments must ensure that cleaning, sanitizing, and disinfecting chemicals used in their operation are authorized for such use. Manufacturer's specifications shall be followed. It is a violation of the Guam Food Code to use chemicals that are not authorized for use in a food establishment, or to use approved chemicals in a way that does not follow manufacturer's specifications.

F. Ventilation

1. An EDE must:
 - a. Check filters of ventilation devices to ensure they are within service life and appropriately installed and maintained.
 - b. Take appropriate steps to minimize air from fans blowing from one person directly to another individual if fans are used in the establishment.
 - c. Consider improving the heating, ventilation and air-conditioning (HVAC) system, if feasible. This may include some or all of the following activities:
 - i. Increasing total airflow supply to occupied spaces.
 - ii. Increasing outdoor air ventilation.
 - iii. Disabling demand-controlled ventilation (DCV) controls that reduce air supply based on occupancy or temperature during occupied hours.
 - iv. Opening minimum outdoor air dampers to reduce or eliminate HVAC recirculation, if practical.
 - v. Improving central air filtration.
 - d. Consider running the HVAC system at maximum outside airflow for 2 hours before and after occupied times.
 - e. Consider using portable HEPA filtration units.
 - f. Promote use of outdoor space.

G. Communal Spaces

1. An EDE must:
 - a. Stagger employee use of shared spaces (e.g., break rooms) and require mask use at all times, except for actively eating, drinking, or smoking in designated areas.
 - b. Limit any sharing of food, tools, equipment, or supplies by staff members.
 - c. Limit the number of people in shared spaces at one time and ensure necessary social distancing is practiced.
 - d. Disinfect the shared space after each use.
 - e. Consider closing shared spaces, if possible.

H. Health and Safety of Employees and Guests

1. An EDE must:
 - a. Consider conducting employee temperature screening and wellness checks before each shift; temperature screening can include manual or thermal camera methods.
 - b. Evaluate employee's health regularly and encourage them to stay home if they are sick (e.g., high temperature, flu-like symptoms).
 - c. Educate and communicate with employees regarding symptoms, protocols for reporting to work, and procedures should they come into close contact with a person under investigation with COVID-19.

- d. Follow HIPAA guidelines and other applicable laws.
- e. Develop and/or update sick leave policies without fear of reprisal.
- f. Have a policy that employees who have come into close contact with a person under investigation with COVID-19 to get tested, stay at home and monitor symptoms.
- g. Contact DPHSS should an employee or employees test positive for COVID-19 for contact tracing.
- h. Develop policies for return-to-work after COVID-19 illness.
- i. Train all employees in COVID-19 safety actions (e.g., social distancing, use of face masks, hand washing, cleaning and disinfecting).
- j. Consider monitoring absenteeism of employees, cross-train, and create an on-call roster.
- k. Notify staff, customers, and the public of business closures and/or restrictions in place to limit COVID-19 exposure.
- l. Communicate to the employees and customers what the establishment is doing to mitigate the spread of COVID-19 (e.g., disinfection routine, health & safety guidelines, closure due to COVID-19 positive). Platforms for communication could include websites, reservation processes, hand-outs, and outdoor signage.
- m. Continually monitor local and federal guidelines for changes in recommendations.
- n. Continually monitor and improve operational controls for cleaning, disinfection, workspace modifications, and physical distancing.

According to the U.S. Food and Drug Administration (FDA) and U.S. Centers for Disease Control and Prevention, there is currently no evidence to support that transmission of COVID-19 is associated with food. The Guam Food Code requirements are already stringent and reduce the likelihood of foodborne disease transmission, if followed. Thus, the code requirements must also be adhered followed, in addition to the guidelines listed on this document.

Written mitigation plans and requests for authorization are to be submitted to PCOR3plans@dphss.guam.gov. For further questions, please contact the Division of Environmental Health at 300-9579 from 8:00 AM to 5:00 PM, Monday through Friday, or email, dphss-deh@dphss.guam.gov.


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